

**Notice of Allowability**

Application No.

10/786,078

Applicant(s)

ISOGAI ET AL.

Examiner

Art Unit

Tuan C To

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/26/2004.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 26 October 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3600

### **EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

This communication is an Examiner's reasons for allowance in response to application filed on 02/26/2004, assigned serial 10/786,078 and titled "Collision Avoidance Control System for Vehicle."

The following is the Examiner's statement of reasons for the indication of allowable subject matter:

The applicant's amendment and arguments filed on 10/26/2004 has been fully considered. The applicant's arguments is persuasive, therefore, the application is now set in a condition for allowance.

The examiner has performed another prior art search in some areas that are relevant to the subject matter of the present application, but none of the references has been found teaches "a collision avoidance control system for a vehicle comprising: a collision avoidance deceleration determining circuit working to determine a target collision avoidance deceleration required for a system vehicle equipped with this system to bring a relative speed between the system vehicle and a target object present ahead of the system vehicle into agreement with substantially zero without a physical collision with the target object, and a control circuit working to determine a possibility of collision with the target object as a function of the target collision avoidance deceleration, when the possibility of collision is higher than a given threshold level, said control circuit performing a predetermined collision avoidance operation".

The U.S. reference to Friederich et al. has been discussed as teaching a vehicle system for preventing a collision between a vehicle and an obstacle existing ahead

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such as a vehicle traveling in its front. According to Friederich et al., the vehicle system includes a sensor for detecting the acceleration/deceleration of the vehicle, and there are at least one sensor for detecting the headway between the vehicle and another vehicle (obstacle) located in front of the vehicle, at least one sensor for detecting the relative speed between said vehicles. After carefully studying the prior art, the examiner has realized the cited prior art does not fairly suggest the limitations as stated above. Thus, the art rejection based on Friederich et al. reference has been withdrawn.

The reference to Sato et al. (US 6554089B2) is directed to a vehicle deceleration control apparatus and control method for control the deceleration of the vehicle using the deceleration application device to make deceleration to be given smaller when the distance between the host vehicle and the vehicle ahead is greater than when said distance is shorter. However, Sato et al. do not the limitations as recited in the present application.

The prior art does not contain any teaching that would lead a skilled person to modify the closest prior and thereby arrive at the invention. Therefore, the claimed invention is now patentable over the cited prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

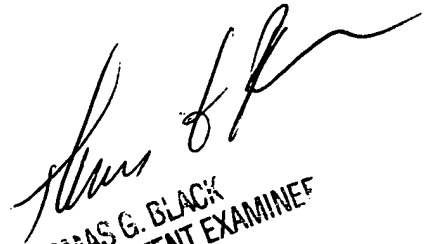
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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

December 03, 2004

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3620